



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 802,654	03 08 2001	Tranh To Nguyen		7519

7590 06 03 2002

TRANH NGUYEN
1552 MAGNOLIA AVE.
Rohnert Park, CA 94928

EXAMINER

SHINGLETON, MICHAEL B

ART UNIT PAPER NUMBER

2817

DATE MAILED: 06 03 2002

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
159/802654			KC

EXAMINER	
ART UNIT	PAPER NUMBER
	6

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

See attached sheet.

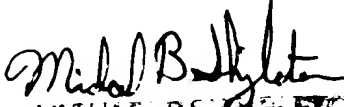
The reply filed on 3-18-2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant recognizes that the office action ^{dated 2-14-2002} requires an election, however, the examiner could not find an election in the response dated 3-18-2002, paper # 5. The examiner only sees what applicant terms "arguments" to the election of species requirement. Note that the office action dated 2-14-2002 states: "Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143.)". Therefore, applicant's response is not fully responsive. Furthermore, what Applicant term as arguments does not present a positive statement that "All species are obvious variants". Applicant's "arguments" describes what the various Figures contain. This is not an admission that all species are obvious variants. As stated in the previous office action evidence must be submitted or applicant must admit on the record that the species are not patentably distinct. Because applicant has attempted to argue the election of species requirement this is seen as a bona fide attempt. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael B. Shingleton whose telephone number is 703-308-4903. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal, can be reached on (703) 308-4909. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

MBS
May 30, 2002


MICHAEL B. SHINGLETON
PATENT EXAMINER
GROUP 1, ART UNIT 2817